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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,306	02/19/2004	Wen Li	2002B107E	7637
23455	7590	11/23/2005	EXAMINER	
EXXONMOBIL CHEMICAL COMPANY 5200 BAYWAY DRIVE P.O. BOX 2149 BAYTOWN, TX 77522-2149			NUTTER, NATHAN M	
			ART UNIT	PAPER NUMBER
			1711	

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/782,306

Applicant(s)

LI ET AL.

Examiner

Nathan M. Nutter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-170 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-170 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09-05</u> | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

This application has been re-assigned to Examiner Nathan M. Nutter in Art Unit 1711. All inquiries regarding this application should be directed to Examiner Nutter at telephone number 571-272-1076.

The Restriction requirement of 8 June 2005 is hereby vacated in view of the following restriction requirement.

Further, the following rejections are hereby removed until election of the following is made and determination of the patentability of the elected claims may be determined.

The rejection of claims 1-16, 18 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The rejection of claims 1-65, 71, 72, 74, 113 and 116-118 under 35 U.S.C. 103(a) as being unpatentable over Howard et al (U.S. 5,230,843) in view of Edman (U.S. 3,439,088), Kowalik et al (U.S. 6,197,285) or Coppersmith et al (U.S. 3,818, 105).

The rejection of claims 1-65, 71, 72, 74, 113 and 116-118 under 35 U.S.C. 103(a) as being unpatentable over Wisneki et al (U.S. 4,663,220).

The rejection of claims 1-65, 71, 72, 74, 113 and 116-118 under 35 U.S.C. 103(a) as being unpatentable over Nishio (U.S. 6,001,455).

The rejection of claims 1-65, 71, 72, 74, 113 and 116-118 under 35 U.S.C. 103(a) as being unpatentable over Maehara et al (U.S. 4,703,078).

### ***Information Disclosure Statement***

The information disclosure statement filed 2 September 2005 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because it does not provide a

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statement as to the relevance, or an Abstract in English, of each document filed in a language other than English. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-65, 71, 72, 74, 108, 109, 121-146, 153, 156, 161-170, drawn to a fiber, classified in class 524, subclasses vary with species.
- II. Claims 66-70, 73, 75, 76 and 114, drawn to an article, classified in class 2, subclasses vary.
- III. Claims 77-107, 110-112 and 120, drawn to a non-woven article, classified in class 2, subclasses vary.
- IV. Claim 119, drawn to a diaper, classified in class 604, subclass 385.

Claims 113-118 improperly link Group I, Group II and Group III and must be rewritten to reflect proper patent procedure, with notation as to what Group and species, if applicable, the rewritten claims would be drawn.

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Claims 147, 149 and 151 improperly link Group I and Group III and must be rewritten to reflect proper patent procedure, with notation as to what Group and species, if applicable, the rewritten claims would be drawn.

Claims 148, 150 and 152 improperly link Group I and Group II and must be rewritten to reflect proper patent procedure, with notation as to what Group and species, if applicable, the rewritten claims would be drawn.

The inventions are distinct, each from the other because of the following reasons:

Inventions of Group I and of group II are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product (MPEP § 806.04(b), 3rd paragraph), and the species are patentably distinct (MPEP § 806.04(h)). In the instant case, the intermediate product is deemed to be useful as a wrapping composition, useful to bundle objects, and the inventions are deemed patentably distinct since there is nothing on this record to show them to be obvious variants. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions anticipated by the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Inventions of Group I and of Group III are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this

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relationship if the intermediate product is useful to make other than the final product (MPEP § 806.04(b), 3rd paragraph), and the species are patentably distinct (MPEP § 806.04(h)). In the instant case, the intermediate product is deemed to be useful as a wrapping composition, useful to bundle objects, and the inventions are deemed patentably distinct since there is nothing on this record to show them to be obvious variants. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions anticipated by the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Inventions of Group I and of Group IV are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product (MPEP § 806.04(b), 3rd paragraph), and the species are patentably distinct (MPEP § 806.04(h)). In the instant case, the intermediate product is deemed to be useful as a wrapping composition, useful to bundle objects, and the inventions are deemed patentably distinct since there is nothing on this record to show them to be obvious variants. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions anticipated by the

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prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Inventions of Group II and of Group III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different functions.

Inventions of Group III and of Group IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different functions.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

If applicants elect Group I for prosecution, the following election of species is being required:

This application contains claims directed to the following patentably distinct species of the claimed invention:

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- 1) claims 1-5, 17 and 161, fiber having specific plasticizer having a kinematic viscosity of 2 cSt or less at 100° C,
- 2) claims 6 and 163, fiber having specific plasticizer of C<sub>20</sub> to C<sub>1500</sub> paraffins with a kinematic viscosity of 10 cSt or more at 100° C,
- 3) claims 7, 14 and 164, fiber having specific plasticizer of C<sub>5</sub> to C<sub>14</sub> olefins with a kinematic viscosity of 10 cSt or more at 100° C,
- 4) claims 8, 9, 165 and 166, fiber having specific plasticizer of C<sub>6</sub> to C<sub>14</sub> olefins with other recited stipulations,
- 5) claims 10 and 167, fiber having specific plasticizer of mineral oil,
- 6) claims 11-13 and 168, fiber having specific plasticizer comprising a mixture of C<sub>6</sub> to C<sub>50</sub> branched and normal paraffins with other recited stipulations,
- 7) claims 15 and 169, fiber having specific plasticizer comprising a linear and branched paraffinic hydrocarbon composition with other recited stipulations,
- 8) claim 16, fiber having specific plasticizer with specific recited stipulations,
- 9) claim 113, fiber having specific plasticizer of oligomers of C<sub>5</sub> to C<sub>14</sub> olefins with a kinematic viscosity of 5 cSt or more at 100° C,
- 10) claims 121-146, 153 and 170, fiber having specific plasticizer of C<sub>6</sub> to C<sub>1500</sub> paraffins with a kinematic viscosity of 5 cSt or more at 100° C with specific recited stipulations, or
- 11) claim 156, fiber having specific plasticizer with a kinematic viscosity of 5 cSt or more at 100° C with specific recited stipulations.



Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently,

- 1) claims 18-40 link species 1, 2, 3, 5, 6 and 7 as generic,
- 2) claims 41-65, 71, 72, 74, 108, 109 and 162 link species 1, 2, 3, 5, 6, 7 and 8 as generic,
- 3) claim 157 links species 2, 3, 4, 5, 9, 10 and 11,
- 4) claims 158-160, each, link species 2, 3, 5, 6, 7, 9, 10 and 11.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over

the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

If applicants elect Group III, applicants must elect from either claim 111 or claim 112, a specie from the lists recited therein for prosecution.

Due to the complexity of the restriction requirement, applicants' counsel was not contacted telephonically to request an oral election to the requirement.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

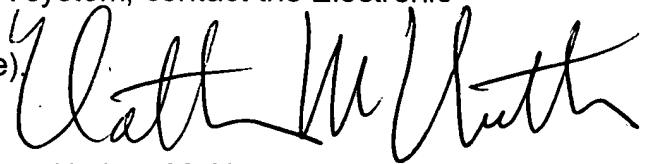
Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan M. Nutter whose telephone number is 571-272-1076. The examiner can normally be reached on 9:30 a.m.-6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Nathan M. Nutter", is written over the end of the paragraph.

Nathan M. Nutter  
Primary Examiner  
Art Unit 1711

nmn

10 November 2005